

108TH CONGRESS  
1ST SESSION

# S. 427

To amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2003

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agriculture Security  
5 Assistance Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) some agricultural diseases pose a direct  
9 threat to human health;

1           (2) economic sabotage, in the form of  
2           agroterrorism, is also a concern;

3           (3) the United States has an \$80,000,000,000  
4           livestock industry;

5           (4) an outbreak of an agricultural disease,  
6           whether naturally occurring or intentionally intro-  
7           duced, could—

8                   (A) have a profound impact on the infra-  
9                   structure, economy, and export markets of the  
10                  United States; and

11                   (B) erode consumer confidence in the Fed-  
12                   eral Government and the safety of the food sup-  
13                   ply of the United States;

14           (5) as with human health and bioterrorism pre-  
15           paredness, enhancing current monitoring and re-  
16           sponse mechanisms to deal with a deliberate act of  
17           agricultural terrorism would strengthen the ability of  
18           the United States to diagnose and respond quickly  
19           to any animal health crisis;

20           (6)(A) activities to ensure the biosecurity of  
21           farms are an important tool in preventing—

22                   (i) the intentional or accidental introduc-  
23                   tion of an agricultural disease; and

24                   (ii) the spread of an introduced agricul-  
25                   tural disease into an outbreak; and

1 (B) most surveys of producers indicate discour-  
2 aging and dangerous trends in basic elements of  
3 farm security activities;

4 (7)(A) a national response plan, developed by  
5 the Department of Agriculture and the Federal  
6 Emergency Management Agency, would determine  
7 how interdependent agricultural health and emer-  
8 gency management response functions will be coordi-  
9 nated to ensure an orderly, immediate, and unified  
10 response to all aspects of an outbreak of an agricul-  
11 tural disease;

12 (B) the Department of Agriculture, in coopera-  
13 tion with State and industry partners, would imple-  
14 ment the plan as needed; and

15 (C) State and local partners would need assist-  
16 ance to implement their shares of the plan;

17 (8) States and communities also require assist-  
18 ance to prepare and plan for agricultural disasters;

19 (9)(A) rapid detection of an agricultural disease  
20 is imperative in containing the spread of the agricul-  
21 tural disease; and

22 (B) potential delays and difficulty in detection  
23 may complicate decisions regarding appropriate con-  
24 trol measures; and

1 (10)(A) planning for a response to an outbreak  
 2 of an agricultural disease will vary from State to  
 3 State, reflecting—

- 4 (i) the level of awareness;
- 5 (ii) the perception of risk;
- 6 (iii) competing time demands; and
- 7 (iv) the availability of resources; and

8 (B) State response capability would be signifi-  
 9 cantly enhanced if State agricultural and emergency  
 10 management officials were to jointly develop a com-  
 11 prehensive agricultural disease response plan.

12 **SEC. 3. AGRICULTURE SECURITY ASSISTANCE.**

13 (a) IN GENERAL.—Title VIII of the Homeland Secu-  
 14 rity Act of 2002 (Public Law 107–296; 116 Stat. 2220)  
 15 is amended by adding at the end the following:

16 **“Subtitle J—Agriculture Security**  
 17 **Assistance**

18 **“SEC. 899A. DEFINITIONS.**

19 “In this subtitle:

20 “(1) AGRICULTURAL DISEASE.—The term ‘agri-  
 21 cultural disease’ means an outbreak of a plant or  
 22 animal disease, or a pest infestation, that requires  
 23 prompt action in order to prevent injury or damage  
 24 to people, plants, livestock, property, the economy,  
 25 or the environment.

1 “(2) AGRICULTURAL DISEASE EMERGENCY.—

2 The term ‘agricultural disease emergency’ means an  
 3 outbreak of a plant or animal disease, or a pest in-  
 4 festation, that requires prompt action in order to  
 5 prevent injury or damage to people, plants, livestock,  
 6 property, the economy, or the environment, as deter-  
 7 mined by the Secretary of Agriculture under—

8 “(A) section 415 of the Plant Protection  
 9 Act (7 U.S.C. 7715); or

10 “(B) section 10407(b) of the Animal  
 11 Health Protection Act (7 U.S.C. 8306(b)).

12 “(3) AGRICULTURE.—The term ‘agriculture’ in-  
 13 cludes—

14 “(A) the science and practice of activities  
 15 relating to food, feed, and fiber production,  
 16 processing, marketing, distribution, use, and  
 17 trade;

18 “(B) family and consumer science, nutri-  
 19 tion, food science and engineering, agricultural  
 20 economics, and other social sciences; and

21 “(C) forestry, wildlife science, fishery  
 22 science, aquaculture, floraculture, veterinary  
 23 medicine, and other environmental and natural  
 24 resource sciences.

1           “(4)       AGROTERRORISM.—The       term  
2       ‘agroterrorism’ means the commission of an  
3       agroterrorist act.

4           “(5)       AGROTERRORIST     ACT.—The     term  
5       ‘agroterrorist act’ means a criminal act consisting of  
6       causing or attempting to cause damage or harm to,  
7       or destruction or contamination of, a crop, livestock,  
8       farm or ranch equipment, a material, any other  
9       property associated with agriculture, or a person en-  
10      gaged in agricultural activity, that is committed with  
11      the intent—

12                   “(A) to intimidate or coerce a civilian pop-  
13                   ulation; or

14                   “(B) to influence the policy of a govern-  
15                   ment by intimidation or coercion.

16           “(6) BIOSECURITY.—

17                   “(A) IN GENERAL.—The term ‘biosecurity’  
18                   means protection from the risks posed by bio-  
19                   logical, chemical, or radiological agents to—

20                           “(i) plant or animal health;

21                           “(ii) the agricultural economy;

22                           “(iii) the environment; and

23                           “(iv) human health.

24                   “(B) INCLUSIONS.—The term ‘biosecurity’  
25                   includes the exclusion, eradication, and control

1 of biological agents that cause agricultural dis-  
2 eases.

3 **“SEC. 899B. RESPONSE PLANS.**

4 “(a) IN GENERAL.—

5 “(1) STATE PLANS.—The Secretary of Agri-  
6 culture, in consultation with the Director of the Fed-  
7 eral Emergency Management Agency, shall assist  
8 States in developing and implementing State plans  
9 for responding to outbreaks of agricultural diseases.

10 “(2) REQUIRED ELEMENTS.—Each State re-  
11 sponse plan shall include—

12 “(A) identification of available authorities  
13 and resources within the State that are needed  
14 to respond to an outbreak of an agricultural  
15 disease;

16 “(B) identification of—

17 “(i) potential risks and threats due to  
18 agricultural activity in the State; and

19 “(ii) the vulnerabilities to those risks  
20 and threats;

21 “(C) potential emergency management as-  
22 sistance compacts and other mutual aid agree-  
23 ments with neighboring States; and

1           “(D) identification of local and State legal  
2           statutes or precedents that may affect the im-  
3           plementation of a State response plan.

4           “(3) REGIONAL AND NATIONAL RESPONSE  
5           PLANS.—The Secretary of Agriculture shall work  
6           with States in developing regional and national re-  
7           sponse plans to carry out this subsection.

8           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
9           There are authorized to be appropriated to carry out  
10          this subsection such sums as are necessary for fiscal  
11          year 2004 and each fiscal year thereafter.

12          “(b) MODELING AND STATISTICAL ANALYSES.—

13               “(1) IN GENERAL.—In consultation with the  
14          Steering Committee of the National Animal Health  
15          Emergency Management System and other stake-  
16          holders, the Secretary of Agriculture shall conduct a  
17          study—

18                       “(A) to determine the best use of epi-  
19                       demiologists, computer modelers, and statisti-  
20                       cians as members of emergency response task  
21                       forces that handle foreign or emerging agricul-  
22                       tural disease emergencies; and

23                       “(B) to identify the types of data that are  
24                       not collected but that would be necessary for



1 proper modeling and analysis of agricultural  
2 disease emergencies.

3 “(2) REPORT.—Not later than 180 days after  
4 the date of enactment of this subtitle, the Secretary  
5 of Agriculture shall submit a report that describes  
6 the results of the study to—

7 “(A) the Secretary of Homeland Security;  
8 and

9 “(B) the heads of other appropriate gov-  
10 ernmental agencies involved in response plan-  
11 ning for agricultural disease emergencies.

12 “(c) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

13 “(1) IN GENERAL.—The Secretary of Agri-  
14 culture, in consultation with the Secretary of Home-  
15 land Security and the Secretary of the Interior, shall  
16 establish a program to provide grants to States to  
17 develop capabilities to use geographic information  
18 systems and statistical models for epidemiological  
19 assessments in the event of agricultural disease  
20 emergencies.

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—  
22 There are authorized to be appropriated to carry out  
23 this subsection—

24 “(A) \$2,500,000 for fiscal year 2004; and

1 “(B) such sums as are necessary for each  
2 fiscal year thereafter.

3 “(d) GRANTS TO FACILITATE PARTICIPATION OF  
4 STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

5 “(1) IN GENERAL.—The Secretary of Homeland  
6 Security, in coordination with the Secretary of Agri-  
7 culture, shall establish a program to provide grants  
8 to communities to facilitate the participation of  
9 State and local animal health care officials in com-  
10 munity emergency planning efforts.

11 “(2) AUTHORIZATION OF APPROPRIATIONS.—  
12 There is authorized to be appropriated to carry out  
13 this subsection \$5,000,000 for fiscal year 2004.

14 **“SEC. 899C. BIOSECURITY AWARENESS AND PROGRAMS.**

15 “(a) IN GENERAL.—The Secretary of Agriculture  
16 shall implement a public awareness campaign for farmers,  
17 ranchers, and other agricultural producers that empha-  
18 sizes—

19 “(1) the need for heightened biosecurity on  
20 farms; and

21 “(2) the reporting of agricultural disease anom-  
22 alies.

23 “(b) ON-FARM BIOSECURITY.—

24 “(1) IN GENERAL.—Not later than 240 days  
25 after the date of enactment of this subtitle, in con-

1 sultation with associations of agricultural producers  
 2 and taking into consideration research conducted  
 3 under the National Agricultural Research, Extension,  
 4 and Teaching Policy Act of 1977 (7 U.S.C.  
 5 3101 et seq.), the Secretary of Agriculture shall—

6 “(A) develop guidelines—

7 “(i) to improve monitoring of vehicles  
 8 and materials entering or leaving farm or  
 9 ranch operations; and

10 “(ii) to control human traffic entering  
 11 or leaving farm or ranch operations; and

12 “(B) disseminate the guidelines to agricul-  
 13 tural producers through agricultural education  
 14 seminars and biosecurity training sessions.

15 “(2) AUTHORIZATION OF APPROPRIATIONS.—

16 “(A) IN GENERAL.—There are authorized  
 17 to be appropriated to carry out this sub-  
 18 section—

19 “(i) \$5,000,000 for fiscal year 2004;  
 20 and

21 “(ii) such sums as are necessary for  
 22 each fiscal year thereafter.

23 “(B) EDUCATION PROGRAM.—Of the  
 24 amounts made available under subparagraph  
 25 (A), the Secretary of Agriculture may use such

1           sums as are necessary to establish in each State  
 2           an education program to distribute the biosecu-  
 3           rity guidelines developed under paragraph (1).

4           “(c) BIOSECURITY GRANT PILOT PROGRAM.—

5           “(1) IN GENERAL.—Not later than 240 days  
 6           after the date of enactment of this subtitle, the Sec-  
 7           retary of Agriculture shall develop a pilot program  
 8           to provide incentives, in the forms of grants or low-  
 9           interest loans, each in an amount not to exceed  
 10          \$10,000, for agricultural producers to restructure  
 11          farm and ranch operations (based on the biosecurity  
 12          guidelines developed under subsection (b)(1))—

13                  “(A) to control access to farms or ranches  
 14                  by persons intending to commit an agroterrorist  
 15                  act;

16                  “(B) to prevent the introduction and  
 17                  spread of agricultural diseases; and

18                  “(C) to take other measures to ensure bio-  
 19                  security.

20           “(2) REPORT.—Not later than 3 years after the  
 21           date of enactment of this subtitle, the Secretary of  
 22           Agriculture shall submit to the appropriate commit-  
 23           tees of Congress a report that—

24                  “(A) describes the implementation of the  
 25                  pilot program; and

1                   “(B) makes recommendations on expansion  
2                   of the pilot program.

3                   “(3) AUTHORIZATION OF APPROPRIATIONS.—  
4                   There are authorized to be appropriated to carry out  
5                   this subsection—

6                   “(A) \$5,000,000 for fiscal year 2004; and

7                   “(B) such sums as are necessary for each  
8                   of fiscal years 2005 through 2007.”.

9                   (b) CONFORMING AMENDMENT.—The table of con-  
10                  tents in section 1(b) of the Homeland Security Act of  
11                  2002 (Public Law 107–296; 116 Stat. 2135) is amended  
12                  by adding at the end of the items relating to title VIII  
13                  the following:

                    “Subtitle J—Agriculture Security Assistance

                    “Sec. 899A. Definitions.

                    “Sec. 899B. Response plans.

                    “Sec. 899C. Biosecurity awareness and programs.”.

